

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN
DISTRICT OF MASSACHUSETTS

In Re:

Robert Rozmarin and
Tatiana Rozmarin,
Debtors

Chapter 13
Case No. 09-44809-JBR

**OBJECTION OF LAURELWOOD II CONDOMINIUM
TRUST TO DEBTORS' CHAPTER 13 PLAN**

The Laurelwood II Condominium Trust (the "Trust"), a secured statutory lien creditor in the above-referenced matter, hereby objects to the Chapter 13 Plan (the "Plan") submitted by the Debtors because the Plan fails to properly provide for the claim of the Trust.

In support of its objection, the Trust states as follows:

1. The Debtors, Robert Rozmarin and Tatiana Rozmarin, are the record title owners of Unit A40, 40 Laurelwood Drive, Hopedale, Massachusetts (the "Unit"), which is located in the Laurelwood II Condominium by virtue of Unit Deed recorded with Worcester County Registry of Deeds in Book 23413, Page 126. The Debtors list the Unit as their principal residence.
2. The Debtors filed the present bankruptcy action on November 11, 2009.
3. The Debtors took title to the Unit subject to the constituent condominium documents establishing the Laurelwood II Condominium and the provisions of M.G.L. c. 183A, §6(b) which states "The unit owner shall be personally liable for all sums assessed for his share of the common expenses including late charges, fines, penalties, and interest assessed by the organization of unit owners and all costs of collection including attorney's fees, costs and charges". Such assessments shall constitute a lien on the

condominium unit for which the unit owner is personally liable; and therefore, the Trust is a secured statutory creditor of the Estate.

4. The Debtors failed to list the Trust as a secured creditor in their Schedules.
5. The Debtors have filed a Chapter 13 Plan which fails to list the Trust as a secured creditor and fails to account for payment of the pre-petition arrearages due and owing to the Trust. The Trust filed a Proof of Claim showing the pre-petition arrearages to be in the amount of \$938.29. Further, the Plan fails to provide for post-petition condominium fee payments under Section IB of the Plan and as required by Section 523(a)(16) of the U.S. Bankruptcy Code. Therefore, the Debtors have failed to adequately account for the Trust's claim in their Plan, and the Trust does not accept the Plan as proposed.

WHEREFORE, the Laurelwood II Condominium Trust respectfully requests that this Court deny confirmation of the Debtors' Chapter 13 Plan and grant such other and further relief as this Court deems just and proper.

Respectfully submitted,
LAURELWOOD II CONDOMINIUM TRUST

By its attorneys,
MARCUS, ERRICO, EMMER & BROOKS, P.C.

Dated: November 19, 2009

/s/ Laura White Brandow
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CERTIFICATE OF SERVICE

I, Laura White Brandow, attorney for the Laurelwood II Condominium Trust, do hereby certify that on November 19, 2009, I served the foregoing "OBJECTION OF LAURELWOOD II CONDOMINIUM TRUST TO DEBTORS' CHAPTER 13 PLAN", by causing same to be electronically filed with the Court, and by causing a copy of the Objection to be mailed first class, postage prepaid, to any of the parties listed on the attached Service List, not noted as having received electronic service.

/s/ Laura White Brandow
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SERVICE LIST

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